

REMARKS

Double Patenting Rejection:

Claims 1-4 are pending in the above referenced Application. The Claims 1-4 stand provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 41 and 44 of U.S. Patent No. 6,543,225.

As stated in the above Office Action, a timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome the above rejections provided the conflicting application is shown to be commonly owned with this Application.

Therefore please find attached a timely filed Terminal Disclaimer (form PTO/SB/26) attesting to the fact that the Application (No. 10/615,550) and the conflicting U.S. Patent (No. 6,543,225) are commonly owned by the Scuderi Group, LLC. Accordingly reconsideration of Claims 1-4 of the Application are respectfully requested.

Claims Rejections - 35 USC § 103:

Claims 1-4 stand rejected as being allegedly obvious over U.S. Patent No. 6,722,127 - (herein "the '127 Patent") in view of U.S. Patent No. 4,955,328 (herein "Sobotowski"). Examiner's grounds for rejection are hereinafter traversed, and reconsideration is respectfully requested.

The Examiner has stated that the '127 Patent constitutes prior art against the Application "based upon the earlier effective U.S. filing date of the reference" (page 3 of the Office Action). Applicant respectfully asserts that this is not the case. The Application and the '127 Patent are a continuation and a CIP of Pat. No. 6,543,225 respectively, and as such have the same earliest effective filing date of July 20, 2001.

Specifically, the Application is a continuation of 10/139,981 (now US Pat. No. 6,609,371), which is in turn a continuation of Pat. No. 6,543,225. However, the Application

does not contain a specific reference to Pat. No. 6,543,225 as required by 35 U.S.C. 120 and MPEP 201.11. Accordingly, the Applicant has amended the "Cross Reference to Related Applications" section of the Application to correct this oversight.

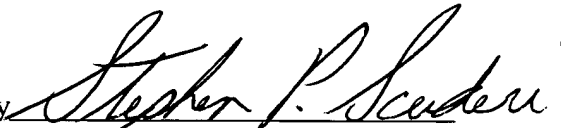
The Vries Reference:

Claims 1 and 3 have been amended to further distinguish the invention over US Pat. No. 3,623,463 to Gerrit De Vries (herein "Vries"), which was cited by the Examiner but not used in a rejection. Vries does not teach or suggest a gas passage "including an inlet valve and an outlet valve defining a pressure chamber therebetween." Vries only includes a single poppet valve 42 between the compression cylinder 10 and power cylinder 12 (see Fig. 1 of Vries).

In view of the foregoing, Applicant respectfully submits that Claims 1-4 should now be allowable. Additionally, it is believed this application is now in condition for full allowance and such action at an early date is earnestly solicited.

The Examiner is invited to contact Applicant's representative at the below-listed phone number with any questions.

Respectfully submitted,

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